



To the Honorable Council
City of Norfolk, Virginia

January 14, 2014

From: George M. Homewood, AICP, CFM, Acting
Planning Director

Subject: Amend and reordain
section 11-11 "Pedestrian
Commercial Overlay (PCO) and
Pedestrian Commercial and
Residential Overlay (PCRO) Districts"
and section 11-41, "Lafayette
Boulevard Pedestrian Commercial
and Residential Overlay District
(PCRO-Lafayette Boulevard)," in
order to improve certain
development standards and add land
uses.

Reviewed: Ronald H. Williams, Jr., Assistant City
Manager

Ward/Superward: 3/7

Approved:

Marcus D. Jones, City Manager

Item Number:

PH-6

- I. **Recommendation:** Approval, as a Smart Processing initiative, supported by the neighborhood to which they apply that may serve to stimulate additional positive development and revelopment.
- II. **Applicant:** City Planning Commission on behalf of the Fairmount Park Civic League
- III. **Description**
 - This agenda item is comprised of two Zoning Text Amendments.
 - The first amends to section 11-11 "Pedestrian Commercial Overlay (PCO) and Pedestrian Commercial and Residential Overlay (PCRO) to reorganize and streamline language and correct typographical errors.
 - The second amends section 11-41, "Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard), to modify development standards to streamline processes, to additional land uses, and modify parking requirements.

IV. **Analysis**

Plan Analysis

- The Healthy and Vibrant Neighborhoods chapter of *plaNorfolk2030* includes an action calling for revisions to the PCO zoning districts to ensure that they serve the purpose for which they were intended.
- The proposed changes to the *Zoning Ordinance* are consistent with the recommendations of these actions.

Zoning Analysis

- The Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard) was created and adopted in 2001 to facilitate pedestrian oriented business activity and residential infill development within the Fairmount Park neighborhood.
- Under current regulations, no new building, existing building, or structure located within the PCRO may be constructed, or expanded without approval of a PCRO Development Certificate by City Council.
- These amendments propose:
 - To allow monument and ground signs, which should create less demand for vehicular-oriented signage;
 - To establish restrictions on driveways of commercial drive-throughs, which should enhance walkability to the principal streets;
 - To reduce townhouse setbacks, which should maintain the street-face and push parking to the rear, enhancing the pedestrian experience;
 - To modify parking requirements to reflect current ITE standards, which should reduce excess pavement in the area;
 - To add uses to the area, which should increase the vitality of the PCRO;
 - To streamline the development approval process, allowing projects meeting all standards to move forward more quickly, which will eliminate some bureaucratic processes; and
 - To change the standards for which waivers can be requested, adding some (building location) and removing others (signs).
- These amendments were presented to the Fairmount Park Civic League in a series of meetings.
 - On August 8th, the Fairmount Park Civic League requested initiation of this text amendment.

Traffic Analysis

Traffic impacts will be calculated for individual developments in the PCRO-Lafayette Boulevard district, (including any of the proposed new uses) when individual projects are proposed for development.

V. **Financial Impact**

Approval of the request would potentially permit additional business and residential development within the city.

VI. Environmental

- The proposed ordinance revisions should not have any adverse environmental impact on surrounding properties, especially given that the civic league was intrinsically involved in their development.
- The reduction in certain processes proposed is consistent with the City's Smart Processing goals.

VII. Community Outreach/Notification

Legal notification was placed in *The Virginian-Pilot* on October 10 and 17.

VIII. Board/Commission Action

By a vote of **6 to 0**, the Planning Commission recommended that the request for a Text Amendment be **approved**.

IX. Coordination/Outreach

This request has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development

- Ordinance
- Location Map
- Zoning Map
- Request for Text Amendment
- Letter of Support from Fairmount Park Civic League

Proponents and Opponents

Proponents

Taylor Gould – President of the Fairmount Park Civic League
PO Box 7034
Norfolk, VA 23509

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved:

CA By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND SECTIONS 11-11 AND 11-41 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO MODIFY THE REGULATIONS OF DEVELOPMENT STANDARDS FOR THE LAFAYETTE BOULEVARD PEDESTRIAN COMMERCIAL AND RESIDENTIAL OVERLAY DISTRICT (PCRO-LAFAYETTE BOULEVARD).

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 11-11 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Pedestrian Commercial Overlay (PCO)", is hereby amended and reordained so as to rename the section and to adjust the requirements for development certificates in any pedestrian commercial overlay district (PCO) or pedestrian commercial and residential overlay district (PCRO). The title and text shall read as forth in "Exhibit A," attached hereto.

Section 2:- That Section 11-41 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard)", is hereby amended and reordained so as to modify the regulations and development standards in the district, including changing the requirement for a development certificate to only apply when a project requires a waiver from any waivable development standard. The text shall read as forth in "Exhibit B," attached hereto.

Section 3:- That Table 11-41-A of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Table of Land Uses", is hereby amended and reordained so as to allow "Mixed Uses", "Consignment Shop", and "Used Books/Media Sales" as uses permitted by right in the Lafayette Boulevard Pedestrian Commercial and Residential Overlay District and to make other minor adjustment for existing uses in said district. The table shall read as forth in "Exhibit C," attached hereto.

Section 4:- That Table 11-41-B of the Zoning Ordinance of

the City of Norfolk, 1992 (as amended), entitled "Table of Minimum Parking Requirements", is hereby amended and reordained so as to update the regulations for off-street parking in the Lafayette Boulevard Pedestrian Commercial and Residential Overlay District. The table shall read as forth in "Exhibit D," attached hereto.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (4 pages)

Exhibit C (2 pages)

Exhibit D (2 pages)

Exhibit A

11-11 Pedestrian Commercial Overlay (PCO) and Pedestrian Commercial and Residential Overlay (PCRO) Districts

- 11-11.1 *Purpose statement.* These districts are intended to encourage the location of specialty retail, entertainment and restaurant uses in proximity to residential uses and in concentrations that will enable and encourage pedestrian movement between establishments at a scale of development that is more conducive to pedestrian activity than automobile domination. These overlay districts are also intended to support and protect public improvements and investments made or planned to be made to enhance the pedestrian environment of the selected commercial areas.
- 11-11.2 *Procedure for district designation.* The city council, upon recommendation of the Planning Commission and in accordance with the procedures for amending the zoning ordinance and map set forth in Article V, Chapter 24, may designate an area carrying a C-1 or C-2 zoning district designation as a PCO district or an area carrying a R-10, R-11, or R-12 zoning district designated as a PCRO district. Separate PCO and PCRO districts, with unique regulations, may be established in appropriate areas of the city.
- 11-11.3 *District boundaries.* The boundaries of any such district shall be drawn so as to include all lands containing the principal pedestrian commercial street frontage and the parking areas designated to support that commercial frontage.
- 11-11.4 *Significance of designation.*
- (a) The regulations of this district shall supersede or supplement, as applicable, the regulations of the underlying zoning district.
 - (b) Where conflict results between the regulations of this Overlay District and other provisions of this ordinance, the provisions of this Overlay District shall control.
- 11-11.5 *Uses.* Regulations for a PCO or PCRO district may limit the range of uses to be compatible with and to enhance the pedestrian oriented commercial nature of the designated area. Regulations shall include a Table of Land Uses for the district.
- 11-11.6 *Development standards.* Regulations may establish development standards different from those for the underlying districts generally. Such standards

may relate to lot area and width, yard requirements (including building to the property line or minimum-maximum setback requirements), building height (minimum and maximum), parking and loading (amount, access and location), limits on curb cuts and other uses of the public right-of-way, landscaping, signs, architectural features pertinent to the pedestrian scale and nature of the uses, and site amenities to enhance the pedestrian environment. On corner lots in all PCO and PCRO districts, the build-to and setback lines applicable for any corner yard may be determined by the zoning administrator, taking into consideration the build-to and setback lines developed on other properties along the same block.

11-11.7 *Development certificate required.* Except as expressly provided otherwise in the specific regulations of any designated PCO or PCRO district, no building or group of buildings joined by party walls shall be located, constructed, or enlarged within a PCO or PCRO district until the city council has approved a development certificate. Submission of an application on a form or forms provided by the zoning administrator shall be required for all development proposals within the PCO Districts.

11-11.8 *Submission requirements.* An application for a development certificate shall be filed in accordance with the following requirements:

- (a) *Preapplication conference.* The applicant shall have discussions with the zoning administrator or designee concerning the nature of the project, requirements of this ordinance, and submission requirements for the specific project pursuant to the required review process.
- (b) *Formal application.* Each application for a development certificate shall be submitted on a form provided by the zoning administrator.
- (c) *Plans required.* Each application for a development certificate shall be accompanied by conceptual site plans and architectural renderings indicating the following:
 - (1) Elevations and sections of principal structures.
 - (2) Location, amount, access and egress, and site design of parking serving the principal use(s).
 - (3) Pedestrian circulation on and near the site, including pedestrian connections between the designated parking and the principal use(s).
 - (4) Location, amount, and character of any open space and landscaping on the site.

- (5) Location, design, and dimensions of signage.
- (6) Such other matters as are appropriate to determinations in the specific case.
- (d) *Fees.* A fee for a development certificate may be established by the city manager as provided in Article IV, Chapter 19, Section 19-4.

11-11.9 *Development certificate procedure.* Following receipt of the completed application for a development certificate, the zoning administrator shall cause to have prepared a thorough review and analysis of the application and a written staff report.

- (a) *Criteria for review.* In reviewing and making a recommendation concerning a development certificate, the zoning administrator shall consider the following criteria:
 - (1) Use characteristics of the proposed development, including the types of ground-floor active uses and activity continuity along the street front.
 - (2) Location and adequacy of off-street parking and loading provisions, including any required bicycle parking.
 - (3) Architectural relationships, both formal and functional, of the proposed development to both surrounding buildings and the public right-of-way, including building siting, massing, proportion, and scale.
 - (4) Suitability of signs, landscape, lighting, and other site or building features in relation to the existing or planned public improvements in the district.
- (b) *Planning commission action.* Upon review of the application and the written staff report, the planning commission shall make a recommendation to approve, deny, or approve subject to modification, to the city council.
- (c) *City council action.* Upon receipt of the planning commission's recommendations and findings, the city council shall approve, deny, approve subject to modification, or remand the application back to the planning commission for its review of specific changes that may have been proposed.

11-11.10 *Waiver of development standards.* Through the development certificate process, an applicant may file for a waiver from certain development

standards as specified in a particular district. The planning commission may recommend and the city council may approve such waivers upon making the following findings:

- (a) That the application submitted, while not strictly in accord with certain development standards, meets public purposes, is not contrary to planning principles contained in the general plan of Norfolk or other adopted plans, and provides public protection to an equivalent or greater degree; or
- (b) That in the particular circumstances of the case, strict application of the development standard or standards is not necessary for the accomplishment of public purposes or the provision of public protection, at the time or in the future.

Exhibit B

11-41 Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard).

11-41.1 *Purpose statement.* In accordance with the provisions of section 11-11, it is the intent of the Lafayette Boulevard Pedestrian Commercial and Residential Overlay District (PCRO-Lafayette Boulevard) to provide a mixture of neighborhood-based businesses and residential uses to support the Fairmount Park neighborhood. The regulations will permit a pedestrian-friendly corridor along the portion of Lafayette Boulevard that extends between Tidewater Drive and Chesapeake Boulevard. A Pedestrian Commercial and Residential Overlay development certificate may be required in accordance with the provisions of section 11-11.

...

11-41.3 *Development certificate:*

- (a) *Administrative approval.* Any project that complies with all of the requirements of subsection 11-41.4 shall be issued a zoning certificate and shall not be required to receive a development certificate as set forth in section 11-11 of this ordinance.
- (b) *Waivers.* Any project seeking a waiver from a development standard set forth in subsection 11-41.4 and which is eligible for such a waiver under subsection 11-41.5 shall be required to obtain a development certificate in accordance with the process set forth in section 11-11 of this ordinance.

11-41.4 *Development standards:*

- (a) *General.* The following regulations are required on properties having an underlying commercial or residential zoning:
 - (1) *Building location and orientation.* Any building constructed or reconstructed on a lot within this district may be located parallel to Lafayette Boulevard or Tidewater Drive or may be perpendicular to those streets provided that the principal façade and entrance faces a pedestrian plaza or parking court. In such a case, the end of the building nearest to the street shall be built within a zone between five (5) feet to ten (10) feet from the property line along Lafayette Boulevard or

Tidewater Drive, and the building shall have a pedestrian entrance along Lafayette Boulevard or Tidewater Drive, as applicable. In no case shall the building be set back from the street such that parking or on-site vehicular circulation is located between the building and Lafayette Boulevard or Tidewater Drive.

- (2) *Vehicular access.* No more than one (1) curb cut, not to exceed twenty feet in width, shall be permitted on Lafayette Boulevard or Tidewater Drive.
 - (3) *Landscaping and buffering.* Except where precluded by the provisions of this overlay district, the landscaping and buffering standards as provided in chapter 17 shall apply.
- (b) *Commercial.* In addition to the regulations in subsection (a), above, the following regulations are also required on properties having an underlying commercial zoning:
- (1) *Building location and orientation.* The front building facade shall be built within a zone located between (5) feet and ten (10) feet from the principal street and shall occupy, in combination with plazas, courtyards, and pedestrian corridors, at least 75 percent of the lot frontage.
 - (2) *Parking location and access.* No parking shall be permitted between the building and the Lafayette Boulevard or Tidewater Drive right-of-way.
 - (3) *Fenestration.* In order to promote pedestrian interest and activity and to enhance security and safety by permitting visibility into and out of buildings, a minimum of 50 percent (50%) of the total area of ground floor facades for commercial buildings along Lafayette Boulevard or Tidewater Drive shall be transparent from the street, as defined in article I, chapter 2 of this ordinance.
 - (4) *Off-street loading.* No off-street loading berth shall be located on Lafayette Boulevard or Tidewater Drive.
 - (5) *Signs.* The sign standards in chapter 16 shall apply to uses in this overlay district, subject to the following modifications:

- (A) *A-frame signs.* A business may place one (1) A-frame sign on the public sidewalk in front of the business. The size, placement and other characteristics of the A-frame sign shall comply with the guidelines approved for A-frame signs and shall be removed from the public right-of-way during times the business is not open.
- (B) *Pole and pylon signs.* No pole or pylon sign shall be permitted.
- (C) *Monument signs.* Businesses having 100 feet or more of lot frontage may have one (1) monument sign facing the principal street not to exceed 32 square feet of sign surface area per sign face. The maximum height of the sign shall be six (6) feet from the ground to the top of the sign. Such signs shall be set back no less than five (5) feet from the public right-of-way.
- (D) *Wall signs.* Any property shall be permitted a wall signage totaling one (1) square foot of sign surface area for each foot of building frontage facing the public street on which the principal access is located up to a maximum of 40 square feet. For all other building frontage, wall signage totaling one-half (0.5) square foot of sign surface area for each foot of building frontage facing a public street shall be permitted.
 - (i) *Projecting signs.* Such signs may be permitted as part of the allocation for wall signs. Such signs shall not extend more than six (6) feet from the wall of the building and may not exceed one and one-half (1.5) feet in height or four (4) feet in width.
 - (ii) *Box signs.* Box signs, even when attached to a wall, shall be prohibited.
- (E) *Window signs.* Signs on storefront glass shall be painted upon the glass, and shall not exceed eight (8) inches in height. Paper signs attached to the glass shall be prohibited.

(F) *Awnings.* Signs displayed on awnings shall be restricted to the vertical drop and may not exceed eight (8) inches in height.

(G) *Sign band.* A single, external sign band may be applied to the façade of a building between the first and the second floors.

(H) *Balloon signs.* Balloon signs, including temporary balloons, shall be prohibited.

(c) *Residential.* In addition to the regulations in subsection (a), above, the following regulations are also required on properties having an underlying residential zoning:

(1) *Building location and orientation.* The front building facade shall be built within a zone located between eight (8) feet and twelve (12) feet from the principal street.

(2) *Access.* The primary entrance of the building shall face Lafayette Boulevard or Tidewater Drive.

11-41.5 *Development standards for which waivers are permitted.* Waivers may be granted through the approval of a PCRO development certificate only for the following development standards:

(a) Building location: if the building is existing and does not meet the building location requirements of this overlay district.

(b) Fenestration: if this building is existing and does not meet the fenestration requirements of this overlay district.

(c) Parking location and access.

(d) Landscaping and buffering.

11-41.6 *Parking requirements.* Off-street parking shall be provided in the Lafayette Boulevard Pedestrian Commercial and Residential Overlay District as specified in Table 11-41-B.

Exhibit C

**PCRO-LAFAYETTE BOULEVARD
TABLE 11-41-A – TABLE OF LAND USES**

LAND USE	BASE ZONING DISTRICTS		COMMENTS
	C-2	R-11	
P = Permitted Use S = Special Exception Use			
RESIDENTIAL USES			
Mixed Uses	P		
Multi-Family		S	Limited to three-family
Semi-Detached Dwelling		S	
Single-Family		P	
Townhouse		S	Front Yard setback shall be 10 ft.
Two-Family		S	
OFFICE USES			
Office	P		
Office, Contractor (no exterior storage)	P		
Office/Clinic, Medical	P		
Office, Veterinary	S		No exterior pet runs or storage shall be allowed.
COMMERCIAL USES			
Antique Store	P		
Art Gallery	P		
Commercial Drive-Through	S		Subject to the requirements of § 25-10.8 Commercial drive-through facility. No commercial drive-through facility may have more than one access point to the main thoroughfare through the PCRO.
Consignment Shop	P		
Eating Establishment	P		
Eating and Drinking Establishment	S		Subject to the requirements of § 25-10.1 Adult uses
Entertainment Establishment	S		Subject to the requirements of § 25-10.1 Adult uses. If Dance Floor is Requested, may be Subject to City Code § 5 – Article II

LAND USE	BASE ZONING DISTRICTS		COMMENTS
	C-2	R-11	
P = Permitted Use			
S = Special Exception Use			
Farmer's Market	P		
Financial Institution	P		
Health and Fitness Facility	P		
Recreation Center, Commercial	P		
Retail Goods Establishment	P		
Retail Services Establishment	P		
Studio, Arts	P		
Studio, Dance	P		
Theater	P		
Used Book/Media Sales	P		
<i>PUBLIC AND CIVIC USES (Sites < 1 Acre)</i>			
Day Care Center, Adult	P		
Day Care Center, Child	P	S	Subject to the requirements of § 25-10.2 Day care centers
Governmental Operations (non-industrial)	P	P	
Museum	P		
Park	P	P	
Utility Facility	P	P	Excludes storage and maintenance

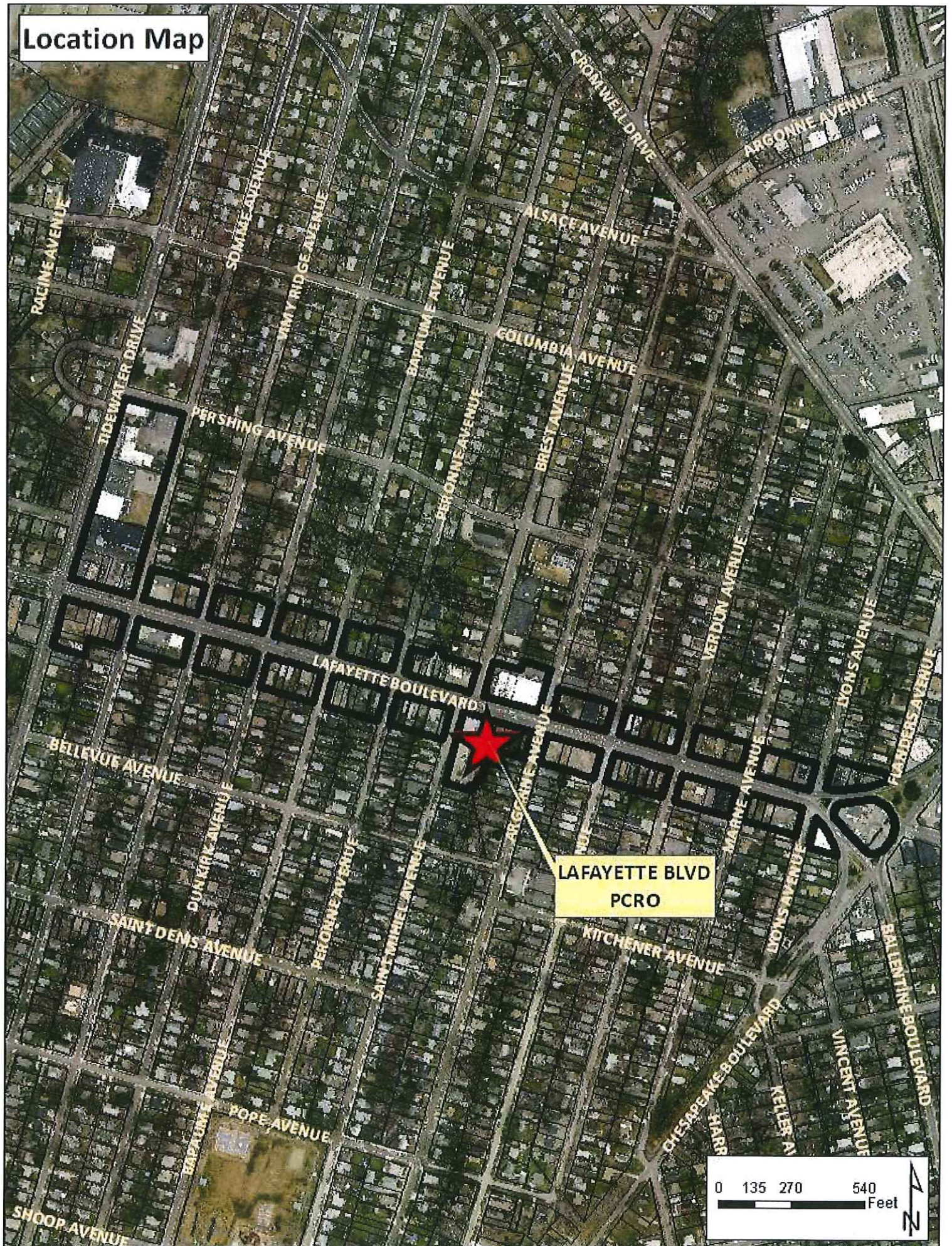
Exhibit D

PCRO-LAFAYETTE BOULEVARD
TABLE 11-41-B – TABLE OF MINIMUM PARKING REQUIREMENTS

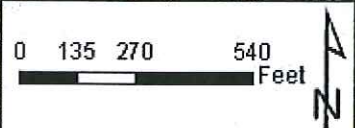
LAND USES DU= Dwelling Unit SF= Square Feet	EXCEPTIONS	
RESIDENTIAL USES (except as listed below)		1.6 per DU
Mixed Uses		Allocated according to each type of use included in the mix
Single-Family		2.0 per DU
Townhouse		1.75 per DU
OFFICE USES (except as listed below)	No parking shall be required for uses located in any building constructed prior to 2006.	1 per 325 SF (*maximum parking = 115% of the minimum requirement)
Office/Clinic, Medical	No parking shall be required for uses located in any building constructed prior to 2006	1 per 250 SF
COMMERCIAL USES (except as listed below)	No parking shall be required for uses located in any building constructed prior to 2006.	1 per 325 SF (*maximum parking = 115% of the minimum requirement)
Art Gallery; Studio, Arts; Studio, Dance	No parking shall be required for • Uses located in buildings with less than 4,500 GSF on a separate zoning lot	1 per 675 SF
Eating Establishment; Eating and Drinking Establishment; Entertainment Establishment	No parking shall be required for • Uses occupying less than 1,000 GSF located in buildings with less than 3,500 GSF on a separate zoning lot	1 per 200 SF within dining areas
Health and Fitness Facility		1 per 200 SF
Theater		1 per 5 seats
PUBLIC AND CIVIC USES		As determined by the zoning

All Public and Civic, except as listed below		administrator
Day Care Center, Adult	No parking shall be required for <ul style="list-style-type: none"> • Uses located in any building constructed prior to 2006 • Uses located in buildings with less than 4,500 GSF on a separate zoning lot 	1 per 15 attendees
Day Care Center, Child	No parking shall be required for <ul style="list-style-type: none"> • Uses located in any building constructed prior to 2006 • Uses located in buildings with less than 4,500 GSF on a separate zoning lot 	1 per 250 SF

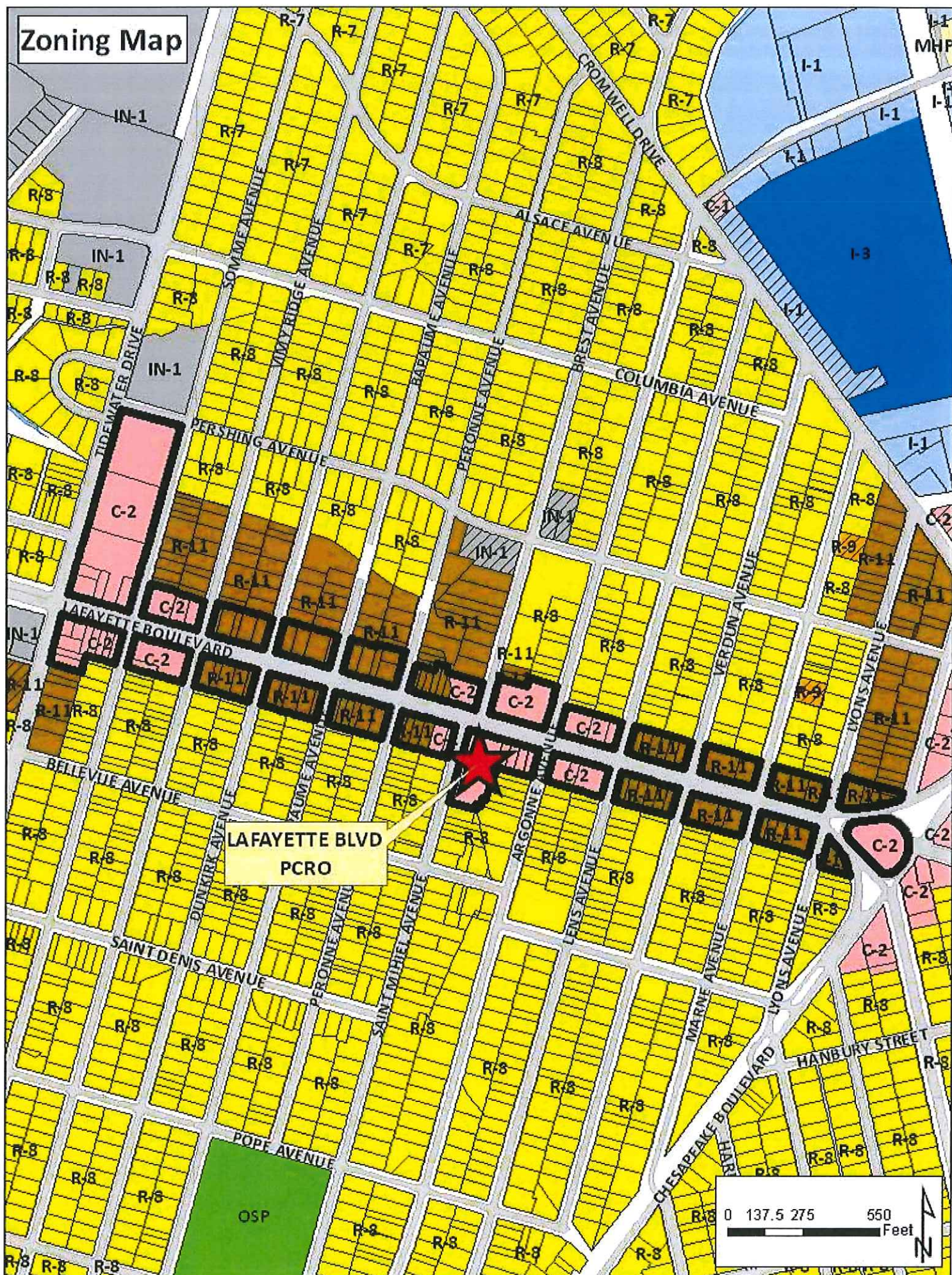
Location Map



LAFAYETTE BLVD
PCRO



Zoning Map





REQUEST FOR
TEXT AMENDMENT

Date of request: 23 AUGUST 2013

DESCRIPTION OF REQUESTED AMENDMENT

Purpose of Amendment: UPDATE PROVISIONS OF LAFAYETTE BLVD
PCRD CONSISTENT WITH SMART PROCESSING

Ordinance Section(s) to be amended (if known)
Ordinance Section(s) to be added (if known)

11-11.8; 11-41

REQUESTOR INFORMATION

Name of requestor (Last) FAIRMONT PARK CIVIC LEAGUE (First) _____ (MI) _____

Mailing address (Street/P.O. Box) PO Box 7034

(City) NORFOLK (State) VA (Zip Code) 23509

Daytime telephone number 757 623-1641 ext 223 Fax number () N/A

E-mail address fpcivicleague@gmail.com

Print name: Taylor Gould Sign: Taylor Gould / 08/26/2013
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Smith, Chrishaun

From: Duke, Frank
Sent: Friday, November 15, 2013 9:40 AM
To: Smith, Chrishaun
Subject: FW: Modified language for PCRO

From: Gould, Taylor [<mailto:TGould@mmmdesignngroup.com>]
Sent: Thursday, November 07, 2013 5:59 PM
To: Smith, Chrishaun; taylorgould1@yahoo.com
Cc: Duke, Frank
Subject: RE: Modified language

Looks good.

Thank you again.

Taylor

From: Smith, Chrishaun [<mailto:Chrishaun.Smith@norfolk.gov>]
Sent: Thursday, November 07, 2013 5:12 PM
To: Gould, Taylor; taylorgould1@yahoo.com
Cc: Duke, Frank
Subject: Modified language

Evening Taylor:

Per your request, attached is a new draft of the text containing the modifications that you recommended:

- Waivers for fenestration were modified to only allow for existing buildings
- Language has been added to prohibit parking in the front of buildings (landscaping requirements that address the potential for any parking that may be located in proximity to the right-of-way is codified within the landscaping chapter of the zoning ordinance).
- And correcting a typo in section 11-41.4(a)(1) on "pedestrian entrances".

All changes that have occurred since our earlier conversation are highlighted in purple. Give me a call or shoot me an email if you have any other questions.

Chrishaun Smith

City Planner I
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